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UNITED STATES DISTRICT COURT  
Northern District of California

WELLIVING CORPORATION,

Plaintiff(s),

No. C 09-05101 MEJ

v.

BUDDY CARDIEL,

Defendant(s).

**ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE**

The Court is in receipt of Plaintiff's individual Case Management Statement, filed January 22, 2010. Of the three defendants named in the Complaint, Plaintiff states that Defendant Lisa Wiley is negotiating a settlement agreement, Defendant Buddy Cardiel was served but has not made an appearance, and there is no mention of Defendant Poweredge Baseball. Upon review of the docket, the Court also notes that there is no indication that Poweredge has been served.

Accordingly, as the case does not appear ready for a status conference, the Court hereby CONTINUES the Case Management Conference to March 4, 2010 at 10:00 a.m. in Courtroom B. In preparation for the March 4 conference, Plaintiff shall:

- 1) File a proof of service regarding Poweredge Baseball by February 11, 2010. If Plaintiff does not file a proof of service by February 11, it shall instead file a voluntary dismissal or show good cause why Poweredge has not been served.
- 2) File a request for Clerk's Entry of Default against Buddy Cardiel by February 11, 2010.
- 3) File a stipulated dismissal as to Lisa Wiley by February 25, 2010. If Plaintiff and


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Defendant Wiley are unable to reach an agreement by February 25, the parties shall ensure compliance with Paragraph 4 below.

- 4) Ensure that a joint case management conference statement, signed by all named defendants that have not been dismissed or had their defaults entered by the Clerk of Court, is filed by February 25, 2010.

**IT IS SO ORDERED.**

Dated: January 25, 2010

  
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Maria-Elena James  
Chief United States Magistrate Judge